

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Curtis Clair Settle
Cynthia Jean Settle**
Debtor(s)

Bankruptcy Case No.: 15-70511-JAD
Issued per Jan. 24, 2019 Proceeding
Chapter: 13
Docket No.: 83 – 75, 77
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 1, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,364 as of February 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 28, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Curtis Clair Settle
 Cynthia Jean Settle
 Debtors

Case No. 15-70511-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Jan 28, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 30, 2019.

db/jdb
 14078668 +Curtis Clair Settle, Cynthia Jean Settle, 112 Bedford Street, Sproul, PA 16682-8109
 #Beneficial, Attn: Research, P.O. Box 1231, Brandon, FL 33509-1231
 14078669 #Beneficial, Attn: Payoffs, P.O. Box 897, Brandon, FL 33509-0897
 14078667 Beneficial, P.O. Box 5233, Carol Stream, IL 60197-5233
 14078670 +Blair County Tax Claim Bureau, 423 Allegheny Street, Suite 143,
 Hollidaysburg, PA 16648-2047
 14078674 +Credit Control Collections, P.O. Box 72, Altoona, PA 16603-0072
 14187137 +Greenfield Township Municipal Authority, PO Box 372, Claysburg, PA 16625-0372
 14078679 +Greenfield Township Tax Collector, 120 Carriage Lane, Claysburg, PA 16625-7714
 14078681 +HUD - FHA Title I Payments, P.O. Box 105664, Atlanta, GA 30348-5664
 14078682 +HUD Office of Appeals, 451 7th Street, Room B-133, Washington, DC 20410-0001
 14078680 +Holiday Financial Services, 1451 Scalp Avenue, Suite 1, Johnstown, PA 15904-3334
 14132110 +LSF9 Master Participation Trust, Caliber Home Loans, INC., 13801 Wireless Way,
 Oklahoma City, OK 73134-2500
 14078683 Magee-Womans Hospital of UPMC, P.O. Box 382059, Pittsburgh, PA 15250-8059
 14078684 Nason Hospital, 105 Nason Drive, Roaring Spring, PA 16673-1202
 14078690 Subaru Motors Finance, Chase, P.O. Box 901037, Fort Worth, TX 76101-2037
 14078691 Subaru Motors Finance c/o Chase, P.O. Box 78101, Phoenix, AZ 85062-8101
 14078694 UPMC Physician Services, P.O. Box 371980, Pittsburgh, PA 15250-7980

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/Text: gocadle@cadleco.com Jan 29 2019 03:23:55 New Falls Corporation,
 100 N Center Street, Newton Falls, OH 44444-1321
 14078671 E-mail/Text: cms-bk@cms-collect.com Jan 29 2019 03:22:28 Capital Management Services, LP,
 698 1/2 South Ogden Street, Suite 700, Buffalo, NY 14206-2317
 14078672 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 29 2019 03:20:30 Capital One,
 Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285
 14078673 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 29 2019 03:19:38
 Capital One Bank (USA), N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14078675 E-mail/Text: vmcpherson@creditmanagementcompany.com Jan 29 2019 03:23:55
 Credit Management Company, P.O. Box 16346, Pittsburgh, PA 15242-0346
 14078677 E-mail/Text: mrdiscen@discover.com Jan 29 2019 03:22:14 Discover, P. O. Box 30943,
 Salt Lake City, UT 84130
 14078676 E-mail/Text: mrdiscen@discover.com Jan 29 2019 03:22:14 Discover, P.O. Box 71084,
 Charlotte, NC 28272-1084
 14081179 E-mail/Text: mrdiscen@discover.com Jan 29 2019 03:22:14 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14078678 +E-mail/Text: mstover@gercls.com Jan 29 2019 03:24:32 Great Eastern Resort Corporation,
 610 West Rio Road, Charlottesville, VA 22901-1412
 14123715 E-mail/Text: bk.notifications@jpmchase.com Jan 29 2019 03:22:43 JPMorgan Chase Bank N.A.,
 National Bankruptcy Department, P.O.Box 29505 AZ1-1191, Phoenix, AZ 85038-9505
 14113034 +E-mail/Text: bankruptcydpt@mcmsg.com Jan 29 2019 03:23:07
 Midland Credit Management, Inc. as agent for, MIDLAND FUNDING LLC, PO Box 2011,
 Warren, MI 48090-2011
 14078685 E-mail/Text: gocadle@cadleco.com Jan 29 2019 03:23:55 New Falls Corporation,
 c/o Victor O. Buente, Jr., Esq., 100 North Center Street, Newton Falls, OH 44444-1321
 14078686 E-mail/Text: gocadle@cadleco.com Jan 29 2019 03:23:55 New Falls Corporation,
 c/o Nina Evans, Account Officer, 100 North Center Street, Newton Falls, OH 44444-1321
 14093485 +E-mail/Text: gocadle@cadleco.com Jan 29 2019 03:23:55 New Falls Corporation,
 100 North Center Street, Newton Falls, OH 44444-1321
 14078689 E-mail/PDF: cbp@onemainfinancial.com Jan 29 2019 03:19:29 OneMain Financial,
 Bankruptcy Department, P.O. Box 6042, Sioux Falls, SD 57117-6042
 14078687 E-mail/PDF: cbp@onemainfinancial.com Jan 29 2019 03:18:49 OneMain Financial,
 P.O. Box 183172, Columbus, OH 43218-3172
 14078688 E-mail/Text: cms-bk@cms-collect.com Jan 29 2019 03:22:28 OneMain Financial,
 c/o Capital Management Services, L.P., P.O. Box 120, Buffalo, NY 14220-0120
 14135787 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfolio recovery.com Jan 29 2019 03:19:02
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14078693 E-mail/PDF: gecsedirecoverycorp.com Jan 29 2019 03:18:52 Synchrony Bank,
 Attn: Bankruptcy Dept., P.O. Box 965061, Orlando, FL 32896-5061
 14078692 E-mail/PDF: gecsedirecoverycorp.com Jan 29 2019 03:18:53 Synchrony Bank, P.O. Box 960061,
 Orlando, FL 32896-0061
 14084302 +E-mail/Text: james.r.shear@hud.gov Jan 29 2019 03:24:30
 US Dept. of Housing and Urban Development, 52 Corporate Cir, Albany, NY 12203-5166
 TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Caliber Home Loans, Inc., As Servicer For The Mort
 cr JPMORGAN CHASE BANK, NA
 cr LSF9 Master Participation Trust

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 38

Date Rcvd: Jan 28, 2019

cr* +Blair County Tax Claim Bureau, 423 Allegheny St. Ste 143, Hollidaysburg, PA 16648-2047
TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 30, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 28, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, NA bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor LSF9 Master Participation Trust pawb@fedphe.com,
james.prostko@phelanhallinan.com
Jeffrey A. Muriceak on behalf of Creditor Blair County Tax Claim Bureau
jmuriceak@eveyblack.com, choover@eveyblack.com
Jill Locnikar on behalf of Defendant United States Department of Housing and Urban
Development jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov
Jon A. McKechnie on behalf of Plaintiff Curtis Clair Settle jmckechnie@shepleylaw.com,
bk@shepleylaw.com
Jon A. McKechnie on behalf of Joint Debtor Cynthia Jean Settle jmckechnie@shepleylaw.com,
bk@shepleylaw.com
Jon A. McKechnie on behalf of Debtor Curtis Clair Settle jmckechnie@shepleylaw.com,
bk@shepleylaw.com
Jon A. McKechnie on behalf of Plaintiff Cynthia Jean Settle jmckechnie@shepleylaw.com,
bk@shepleylaw.com
Joseph P. Schalk on behalf of Creditor Caliber Home Loans, Inc., As Servicer For The
Mortgagee Of Record jschalk@barley.com, sromig@barley.com
Joseph P. Schalk on behalf of Creditor LSF9 Master Participation Trust jschalk@barley.com,
sromig@barley.com
Karina Velter on behalf of Creditor JPMORGAN CHASE BANK, NA amps@manleydeas.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 13